

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

April 27, 2007

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In the Matter of

Docket No. 2003-001

File No. SE-25-2745

Town of Falmouth

Falmouth

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**DECISION ON MOTION FOR RECONSIDERATION**

I deny the motion for reconsideration because the Final Decision contains no clearly erroneous material finding of fact or ruling of law and repeats matters adequately addressed in the Final Decision. 310 CMR 1.01 (14)(d). Petitioners object to an interlocutory ruling that denied summary decision on the issue of whether stormwater from the pump station site would harm adjacent wetlands, because it precluded testimony on the state's stormwater standards.<sup>1</sup> Petitioners claim that the evidence as to harm to wetlands will be inherently unreliable without a basis in standards accepted by the scientific community. In fact, the dispute was narrow and the Administrative Magistrate explicitly sought to retain the focus of the hearing on the affects of the project on wetland resource areas. Based upon the testimony from qualified witnesses, the Administrative Magistrate made findings of fact as to the effects of stormwater runoff from the site.

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<sup>1</sup> The filings indicate that the Motion for Reconsideration and Opposition were both filed with the Division of Administrative Appeals, but only the Opposition was initially transmitted to the Department, causing a delay in issuance of this Decision by the Commissioner.

Recommended Decision at 5 and 8. Due to the limited scope of the project, an additional evaluation of the work under the Stormwater Management Standards simply was not necessary to reach a decision in this case.

A person who has the right to seek judicial review may appeal this Decision to the Superior Court pursuant to M.G.L. c. 30A, §14(1). The complaint must be filed in the Court within thirty days of receipt of this Decision.

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

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Arleen O'Donnell  
Acting Commissioner